

**United States Government**  
**NATIONAL LABOR RELATIONS BOARD**  
REGION 16  
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Fort Worth, Texas 76102-6178  
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April 17, 2006

Mr. Ron Smith, Representative  
United Government Security  
Officers of America  
and its Local 232  
8620 Wolff Court, Suite 210  
Westminster, CO 80031

Re: Ruiz Protective Services  
Case No. 16-RC-10709

Dear Mr. Smith:

The above-captioned case, petitioning for an investigation and determination of representative under Section 9(c) of the National Labor Relations Act, has been carefully investigated and considered. As a result of the investigation, I find further proceedings are unwarranted.

The investigation of the petition revealed that the filing of the instant petition is untimely and barred by the current collective bargaining agreement in effect between Ruiz Protective Services and Industrial Technical and Professional Employees Union. The collective bargaining agreement has been in effect since November 17, 2005, and does not expire until August 14, 2007. Under Board law, a valid contract is a bar to an election. *Hexon Furniture Co.*, 111 NLRB 342 (1955).

Accordingly, I am dismissing the petition in this matter. A review of this action may be obtained by filing an appeal with the National Labor Relations Board, Washington, DC 20570 by close of business on **May 1, 2006**. See attached Form NLRB-4916 as to instructions for filing such appeal.

Sincerely,

Martha Kinard  
Acting Regional Director

Enclosure: NLRB-4916

cc: Ruiz Protective Services  
Robert Minnis, Director of Operations  
10939 Shady Trail, Suite A  
Dallas, TX 75220

Industrial Technical and  
Professional Employees Union  
Sidney H. Kalban, Esquire  
80 Eighth Avenue, Suite 1806  
New York, NY 10011

Industrial Technical and  
Professional Employees Union  
Maureen Alsheimer, Representative  
9107 Marbach, Suite 204  
San Antonio, TX 78245

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD

**INSTRUCTIONS FOR FILING REQUEST FOR REVIEW OF  
ADMINISTRATIVE DISMISSAL OF REPRESENTATION PETITION**

Pursuant to the National Labor Relations Board Rules and Regulations, Series 8, as amended, you may obtain a review of this action by filing a request therefor with the National Labor Relations Board, addressed to the Executive Secretary, National Labor Relations Board, 1099 14<sup>th</sup> Street, N.W., Washington, D.C. 20570. A copy of such request for review must be served on the Regional Director and each of the other parties to the proceeding. This request for review must contain a complete statement setting forth the facts and reasons upon which it is based. The request for review (*eight copies*) must be received by the Executive Secretary of the Board in Washington, D.C., by the close of business on May 1, 2006. Upon good cause shown, however, the Board may grant special permission for a longer period within which to file. The request for extension of time should be submitted to the Executive Secretary of the Board in Washington, D.C., and a copy of any such request for extension of time should be submitted to the Regional Director, and to each of the other parties to this proceeding.

The request for review and any request for extension of time for filing must include a statement that a copy has been served on the Regional Director and on each of the other parties to this proceeding, and a **copy must be served** in the same or faster manner as that utilized in filing the request with the Board. When filing with the Board is accomplished by personal service, however, the other parties shall be promptly notified of such action by telephone, followed by service of a copy by mail or telegraph.